

**ENTERED**

August 20, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

GUSTAVO BAEZ,

§

Plaintiff,

§

VS.

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UR M JADDOU, *et al.*,

CIVIL ACTION NO. 1:22-CV-138

Defendants.

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**ORDER**

Plaintiff Gustavo Baez, who was born in Mexico, filed this lawsuit under 8 U.S.C. § 1503(a), seeking a declaratory judgment that he acquired United States citizenship at birth through his father, who is a United States citizen.

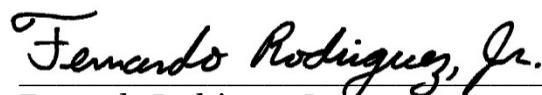
Baez filed a motion for summary judgment, claiming that no genuine issue exists regarding his citizenship. (MSJ, Doc. 36) A United States Magistrate Judge recommends that the Court deny the Motion, finding genuine issues of material fact regarding whether Baez's father's physical presence in the United States before Baez's birth satisfies the statutory requirement. (R&R, Doc. 38)

No party filed objections to the Report and Recommendation, and the Court finds no plain error within it. *See Ortiz v. City of San Antonio Fire Dep't*, 806 F.3d 822, 825 (5th Cir. 2015). Accordingly, it is:

**ORDERED** that the Report and Recommendation (Doc. 38) is **ADOPTED**; and

**ORDERED** that Plaintiff Gustavo Baez's Motion for Summary Judgment (Doc. 36) is **DENIED**.

Signed on August 16, 2024.



Fernando Rodriguez, Jr.  
United States District Judge